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UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON (PORTLAND)

**COLUMBIA SPORTSWEAR NORTH  
AMERICA, INC.**, an Oregon corporation,

Plaintiff,

v.

**CERF BROTHERS BAG CO.**, a Missouri  
corporation,

Defendant.

Case No. 3:05-CV-1960-PK

**STIPULATED PRELIMINARY  
INJUNCTION**

Plaintiff Columbia Sportswear North America, Inc. ("Columbia") has moved this Court for a Preliminary Injunction against defendant Cerf Brothers Bag Co. ("Cerf Brothers") (Docket # 44). Based on the stipulation of the parties, the Court orders as follows:

**DEFINITIONS**

1. For purposes of this Order, "Formerly Licensed Articles" shall mean "adventure bags" made of fabric, specifically, duffle bags (wheeled and non-wheeled); cargo bags; rucksacks; travel bags; tote bags; toiletry bags; utility bags; pouches; backpacks; courier packs; waist packs; organizers; agendas; wallets; cellular phone cases; camera cases and attaché cases, and their packaging or component parts, bearing the "Columbia Marks," as defined herein.

2. For purposes of this Order, the "Columbia Marks" shall refer to and be defined to consist of the following:

a. The "Columbia Sportswear Logo" mark:



a registered trademark with registration numbers U.S. Reg. No. 2,117,710 and U.S. Reg. No. 3,126,131.

b. The "Columbia Sportswear Company" mark:

Columbia Sportswear Company

a registered trademark with registration numbers U.S. Reg. No. 1,975,556 and U.S. Reg. No. 2,735,091.

c. The "Columbia Logo" mark:



a registered trademark with registration number U.S. Reg. No. 2,248,491.

d. The "Diamond Logo" mark:



a registered trademark with registration number U.S. Reg. 3,089,886.

**ACTS ENJOINED AND PROHIBITED**

3. Cerf Brothers and its officers, agents, servants, employees, successors, assigns, and independent sales representative, and any person in active concert with or participation with any of the foregoing who receives actual notice of this order by personal service or otherwise, hereby are restrained and prohibited from using any of the Columbia Marks, as defined herein. Cerf Brothers agrees that it, Messrs. Michelson and Harrison, and Cerf Brothers' independent sales representative have notice of this order and that further notice to any of them is not required. The parties agree that nothing in this paragraph 3 shall affect or restrain any person or entity that purchased Formerly Licensed Articles from Cerf Brothers prior to the entry on September 1, 2006 of the Stipulated Restraining Order in this action.

4. Cerf Brothers and its officers, agents, servants, employees, successors, assigns, and independent sales representative, and any person in active concert with or participation with any of the foregoing who receives actual notice of this order by personal service or otherwise, hereby are restrained and prohibited from selling or offering for sale any Formerly Licensed Articles that contain, include, bear, incorporate or otherwise use or have affixed to them any of the Columbia Marks, as defined herein. Cerf Brothers agrees that it, Messrs. Michelson and Harrison, and Cerf Brothers' independent sales representative have notice of this order and that further notice to any of them is not required. The parties agree that nothing in this paragraph 4 shall affect or restrain any person or entity that purchased Formerly Licensed Articles from Cerf Brothers prior to the entry on September 1, 2006 of the Stipulated Restraining Order in this action.

5. Cerf Brothers and any other person acting at Cerf Brothers' direction hereby are restrained and prohibited from removing any of the Columbia Marks from any Formerly Licensed Articles without the express written permission of Columbia.

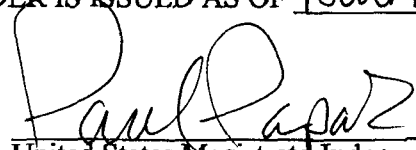
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6. This Order shall not prohibit Cerf Brothers from the following:

- a. Using the words "Columbia Sportswear Company" or "Columbia" to describe its past relationship with Columbia; and
- b. Showing prospective licensors and customers the Formerly Licensed Articles or pictures thereof (including pictures in catalogs produced by Cerf Brothers while it was a licensee of Columbia) for the purpose of demonstrating Cerf Brothers' capabilities, but not for the purpose of (i) trying to sell the Formerly Licensed Articles; or (ii) for saying that the Formerly Licensed Articles are available for sale with the Columbia Marks removed; or (iii) for Cerf Brothers' holding itself out as currently being a licensee of Columbia or otherwise authorized to use the Columbia Marks.

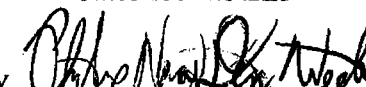
7. Nothing in this Order is intended to be, and nothing in this Order shall be construed to be, even a preliminary adjudication with respect to Columbia's Fifth Claim for Relief in Second Amended Complaint or Cerf Brothers' Seventh, Eighth, or Ninth Counterclaims in Answer, Affirmative Defenses and Counterclaims to Plaintiff's Second Amended Complaint.

THIS PRELIMINARY INJUNCTION ORDER IS ISSUED AS OF November 2  
2006 BY:



  
United States Magistrate Judge,  
exercising the authority granted under  
28 USC 636(c) pursuant to F.R.C.P. 73,  
LR 73.1 and consent of the parties

The foregoing order is stipulated and agreed to by the parties, by and through their respective counsel of record:

Preston Gates & Ellis LLP

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